

REMARKS

The enclosed is responsive to the Examiner's Office Action mailed on September 20, 2006. At the time the Examiner mailed the Office Action claims 1-3, 5-12, 14-17 and 23-25 were pending. By way of the present response the Applicants have: 1) amended no claims; 2) added no new claims; and 3) canceled no claims. As such, claims 1-3, 5-12, 14-17 and 23-25 are now pending. The Applicants respectfully request reconsideration of the present application and the allowance of all claims now presented.

Claim Rejections

35 USC §103 Rejections

Claims 1-3, 5, 7, 8, 11, 12, 14-16, 23, and 24 stand rejected under 35 U.S.C. §103(a) as being considered to be unpatentable over Gosior, et al., U.S. Patent Publication No. 2002/0159434 (hereinafter "Gosior").

In order to establish a prima facie case of obviousness:

"First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, *the prior art reference (or references when combined) must teach or suggest all the claim limitations.*" Emphasis added. Manual of Patent Examining Procedure (MPEP), §2143.

With respect to independent claim 1, applicant teaches and claims: “A method comprising: polling a first master transmitting device with a second master transmitting device to determine a hopping sequence of the first master transmitting device; wherein polling the first master transmitting device includes determining whether the first master transmitting device is receiving a signal from a slave transmitting device.”

Gosior does not teach or suggest at least “wherein polling the first master transmitting device includes determining whether the first master transmitting device is receiving a signal from a slave transmitting device.”

The office action states at page 3, lines 1-4: “Gosior discloses slave devices as peripheral devices which use channels in communication with the base transceivers, [0105], lines 11-13, 16-21, 28-30, and the polling frequency hopping selection process includes polling the usable number of channels or connection, [0105], lines 37-39.” However, polling the number of usable channels or connections is not the same as determining [by a second master transmitting device] whether the first master transmitting device is receiving a signal from a slave transmitting device. Gosior states that “The base transceiver looks for free RF channels and RF channels used by other base transceivers by scanning the available channels incrementally. The base transceiver also characterizes the noise present on available channels and ranks the channels in terms of impairment... In order to support 16 devices in a common RF operating range, at least 4 channel frequencies are required. If 4 good channels are not available, impaired channels are used if possible in order of least signal impairment until 4 channels are chosen.” Paragraph [0105], lines 11-16, 28-32. There is no indication that the availability of a channel in Gosior corresponds to whether the first master transmitting device (e.g., the

master device being polled by another master device) is receiving a signal from a slave transmitting device. Furthermore, paragraph [0105] and associated Fig. 14 refer only to the power up sequence for a base transceiver 12. A base transceiver does not become associated with peripherals (slaves) until after the power up sequence is completed. Paragraph [0112], lines 1-4. Thus, during the power up sequence, it would not be possible for a second master transmitting device of Gosior to determine whether a first master transmitting device is receiving a signal from a slave transmitting device, because the slave device(s) have not yet been associated with the master device(s). Nowhere does Gosior teach or suggest that “polling the first master transmitting device [by a second master transmitting device] includes determining whether the first master transmitting device is receiving a signal from a slave transmitting device.”

Thus, Gosior does not disclose at least “wherein polling the first master transmitting device includes determining whether the first master transmitting device is receiving a signal from a slave transmitting device.” Therefore, Applicant respectfully submits that a prima facie case of obviousness has not been made for claim 1.

Pending independent claims 14 and 23 recite limitations that are similar to the limitations of claim 1, although some differences may exist among the limitations of the other pending independent claims. These similar limitations nevertheless patentably distinguish claims 14 and 23 over Gosior. Therefore, for at least the reasons set forth above, Applicant respectfully submits that a prima facie case of obviousness has not been made for claims 14 and 23.

Claims 2-3, 5, 7, 8, 11, and 12 are dependent on independent claim 1. Claims 15-16 are dependent on independent claim 14. Claim 24 is dependent on independent claim

23. Thus, for at least the same reasons advanced above with respect to independent claims 1, 14, and 23, applicant respectfully submits that a prima facie case of obviousness has not been made for claims 2-3, 5, 7, 8, 11, 12, 15-16, and 24.

Claims 6, 9, 10, 17, and 25 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gosior in view of Trampower, et al., U.S. Patent 6,088,591 to (hereinafter “Trampower”).

Claims 6, 9, and 10 are dependent upon independent claim 1. Claim 17 is dependent on independent claim 14. Claim 25 is dependent on independent claim 23. Thus, for at least the reasons advanced above with respect to the 35 U.S.C. 102 rejections of claims 1, 14, and 23, neither Gosior nor Trampower, independently or in combination, teach or suggest all claim limitations of claims 6, 9, 10, 17 and 25.

In light of the comments above, the Applicant respectfully requests the allowance of all claims.

CONCLUSION

Applicant respectfully submits that all rejections have been overcome and that all pending claims are in condition for allowance.

If there are any additional charges, please charge them to our Deposit Account Number 50-0221. If a telephone conference would facilitate the prosecution of this application, the Examiner is invited to contact Cyndi M. Wheeler at (916) 356-5358.

Respectfully Submitted,

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